

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MICHAEL L. DRUFFNER, Executor of : CIVIL ACTION
the Estate of Patricia Murphy Waggoner, :
Deceased, :
:

Plaintiff, :
v. : NO. 10-04298

ROISIN E. O'NEILL; SEAN O'NEILL, SR.;
O'NEILL BUILDERS, INC.; JCKN, INC., :
23 J.T. ENTERPRISES, LTD.; 23 J.T. :
ASSOCIATES; JOSEPH A. RUFO; :
TONY RUFO; HARLEQUIN :
ENTERTAINMENT GROUP, LLC; :
ANNA ARENA; MIGUEL A. DORMAN; :
23 CABARET, INC.; BROWNIE'S 23 :
EAST; WILLIAM DAVID :
MAGROGRAN; JOHN P. CAULFIELD; :
AND PAUL R. NANGLE. :

Defendants. :

ORDER

AND NOW, this 23rd day of *March*, 2011, upon consideration of the Partial Motion by Moving Defendants JCKN, Inc.; 23 J.T. Enterprises, Ltd.; 23 J.T. Enterprises, Inc.; 23 J.T. Associates a/t/d/b/a 23 J.T. Associates, GP; Joseph A. Rufo; Tony Rufo; Brownie's 23 East; and Paul R. Nangle to Dismiss Plaintiff Michael L. Druffner's Amended Complaint (Docket No. 34), and Plaintiff's Response in Opposition (Docket No. 38), it is hereby **ORDERED** that:

1. The Partial Motion to Dismiss (Docket No. 34) is **GRANTED IN PART** and **DENIED IN PART** as follows:

- a. Moving Defendants' Motion to Dismiss certain allegations relating to Plaintiff's claim under the Pennsylvania Dram Shop Act (Count IV) is **DENIED**;
- b. Moving Defendants' Motion to Dismiss Plaintiff's claim for common-law negligence (Count V) is **GRANTED**.

2. This Order shall have no effect on Defendants Harlequin Entertainment Group, LLC; Anna Arena; Miguel A. Dorman; 23 E. Cabaret, Inc.; William David Magrogan; or John P. Caulfield.

It is so **ORDERED**.

BY THE COURT:

S/ RONALD L. BUCKWALTER
RONALD L. BUCKWALTER, S.J.